

1 day that it happens?

2 A That's the idea, yeah.

3 Q So, for example, and I apologize, there's a hole
4 punched in the middle of my copy of this, the first entry on
5 this exhibit, are you telling me it's 3/2? Is that the
6 date?

7 A It appears to me to be 3/2.

8 Q Okay. So what that would mean, for example, is
9 that on the 2nd of March you received a phone call from
10 Mr. Nourain about new paths that would be applied for. And
11 you wrote that down after you received that call.

12 A Correct.

13 Q Okay. I'm going to leave that exhibit for a
14 moment and go back to the subject of the method of operation
15 that you had with Liberty Cable in this time.

16 A Go ahead.

17 Q Once an application, once you filed an
18 application, did you advise Liberty of the fact that an
19 application for such and such a path had been filed?

20 A Well, I hope you'll show me documents if that's in
21 fact what I did. It's difficult to recall right now --

22 Q Okay.

23 A -- how that procedure went.

24 Q Now, once an application is filed, some time later
25 it goes on public notice, is that correct?

1 A Right.

2 Q Is that how things worked when you were at Pepper
3 & Corazzini?

4 A Right.

5 Q And did you watch the public notices to see when
6 your applications came out on the notice?

7 A Yes.

8 Q Okay. And when they came out on the notice, did
9 you advise Liberty of that fact?

10 A Yes.

11 Q Okay. I want to just ask you to turn to Tabs 5
12 and 6, which for the record would be TW/CV Exhibit 56 and
13 57. First, let's just look at the Tab 5, the December 8,
14 1992 letter. Is this letter one that you sent on or about
15 December 8, 1992 as far as you know?

16 (Documents above referred to
17 were marked for identification
18 as TW/CV Exhibits 56 and 57.)

19 A It appears to be.

20 Q Okay. And is this the kind of thing that you did
21 as a regular matter with Liberty Cable?

22 A Yes, send them letters regarding applications
23 having been accepted for filing.

24 Q Okay.

25 A Yes.

1 Q And if you would just turn to Tab 6, the next
2 document, which is a letter dated February 3rd, 1993. And
3 again, can you tell us is that a copy of a letter that you
4 sent on or about February 3rd, 1993?

5 A Yes, that appears to be my signature on page two.

6 Q Okay. And both of these letters included the
7 relevant public notices as attachments, is that correct?

8 A That's -- yes, that appears to be correct.

9 Q And again, just to establish, that was your
10 regular practice to do that.

11 A Right.

12 MR. BECKNER: Your Honor, I just have a procedural
13 question of you as to how you want to proceed. Do you want
14 me to ask that these documents be moved into evidence one
15 after another or wait until the end?

16 JUDGE SIPPEL: Well, I think that she's identified
17 it and she identified her signature. I think you ought to
18 move it into evidence.

19 MR. BECKNER: Okay, fine. I would like to move
20 what's been marked I believe as TW/CV Exhibit 56. That's
21 the December 8, 1992 letter with the public notice attached.
22 I'd like to move that into evidence.

23 JUDGE SIPPEL: Any objection?

24 MR. SPITZER: We have no objection, Your Honor.

25 JUDGE SIPPEL: It's received in evidence. That's

1 TW/CV 56.

2 (Document previously marked
3 for identification as TW/CV
4 Exhibit 56 was received in
5 evidence.)

6 MR. BECKNER: And similarly, I'd like to move the
7 February 3rd, 1993 letter with the attached public notice
8 into evidence. And that's been marked as TW/CV Exhibit 57.

9 JUDGE SIPPEL: TW/CV 57 for identification. Is
10 there any objection?

11 MR. SPITZER: None, Your Honor.

12 JUDGE SIPPEL: It's received in evidence at this
13 time as TW/CV Exhibit 57.

14 (Document previously marked
15 for identification as TW/CV
16 Exhibit 57 was received in
17 evidence.)

18 MR. SPITZER: Just for completeness, Your Honor,
19 there was no -- did you not intend to move that into
20 evidence.

21 MR. BECKNER: What the bill?

22 MR. SPITZER: Yes.

23 MR. BECKNER: I'm going to come back to that.

24 Thank you.

25 JUDGE SIPPEL: Well, that's two down and 12 to go

1 by my count.

2 MR. BECKNER: We're moving along.

3 JUDGE SIPPEL: All right. Let's go.

4 BY MR. BECKNER:

5 Q Ms. Richter, can you just tell us briefly what the
6 significance, if any, there was to the fact that an
7 application went on public notice?

8 A It began a 30 day period after which an
9 application would be available for grant.

10 Q Okay. And had you explained the significance of
11 the application going on public notice to the client?

12 A Yes. Reading directly from the December 8 letter,
13 it says these applications cannot be granted until after
14 expiration of the 30 day public notice period.

15 Q Okay. Now, the letter also, both the two letters
16 that we've been discussing also each mention the fact that
17 the actual granted license is sent directly to the applicant
18 rather than to the lawyer. And the letter requests that you
19 be advised of when a license is received by the client. Do
20 you see that?

21 A Yes.

22 Q Okay. As far as you can recall, did Liberty
23 advise you as to when they received licenses from the FCC?

24 A I believe they did.

25 Q And who was the person who advised you of that

1 fact?

2 A Behrooz Nourain.

3 Q And once Mr. Nourain called you up and said that
4 he received a license for a particular path, did you make a
5 note of that keeping kind of a log or inventory?

6 A Well, he would send me the license and we would
7 keep all of the licenses in an authorization file for
8 Liberty.

9 Q Now, did Mr. Nourain send you the actual license
10 or did he send you a copy?

11 A A copy, not the original.

12 Q So you had in your office then a file of copies of
13 licenses.

14 A Correct.

15 Q Okay. Was there a time when you attempted to
16 compile an inventory, and by that I mean a list, of
17 Liberty's OFS licenses as opposed to simply having a file
18 full of copies of licenses?

19 A Yes.

20 Q Do you recall approximately when that was.

21 A No, but I be you're going to show me an exhibit.

22 Q Can you tell us was it your idea to compile the
23 inventory? Or was it something that was suggested to you by
24 someone else?

25 A I don't recall, but it seems like something that

1 would be my idea to try to keep things organized.

2 Q Okay. Can you tell us why you decided to put
3 together this inventory of Liberty's licenses?

4 A Well, the file was fairly disorganized and it was
5 difficult for me to keep track of all of the paths that we
6 were applying for. There was a lot of paper and Liberty was
7 doing a lot of licensing work. And so there really was a
8 need to bring order to the process.

9 Q Okay. Just to clear one thing up, I'd like you to
10 turn back again to the document at Tab 9. And I had asked
11 you a few minutes ago if you remembered when you started
12 compiling this license inventory and I want you just to tell
13 me if when you look at this bill does it refresh your
14 recollection about when that happened?

15 A It does. Apparently in March of '93 I was working
16 on this inventory.

17 JUDGE SIPPEL: That's been now marked as TW/CV 60
18 for identification, is that right?

19 MR. BECKNER: That's correct.

20 JUDGE SIPPEL: Do you want to move it into
21 evidence at this time?

22 MR. BECKNER: We might as well.

23 JUDGE SIPPEL: Any objection?

24 MR. SPITZER: None, Your Honor.

25 JUDGE SIPPEL: It's received in evidence.

1 (Document previously marked
2 for identification as TW/CV
3 Exhibit 60 was received in
4 evidence.)

5 BY MR. BECKNER:

6 Q Ms. Richter, if you'll stick with Exhibit 60 for a
7 second, please. The second Time entry which has a date of
8 March 11th says begin work on inventory licenses. Do you
9 see that there?

10 A I do.

11 Q Okay. Do you believe that it's unlikely that you
12 did work on the inventory before the month of March, 1993
13 based on this bill here?

14 A To begin work notation seems to indicate that this
15 was the first time I was doing work on an inventory.

16 Q Okay. Can you explain for us how -- the things
17 that you did to put together this inventory, how was it
18 done? In a step-by-step fashion if you can.

19 A I couldn't tell you step-by-step. My recollection
20 is that there is a previous inventory type document that had
21 been done by an engineer that was with Liberty Cable prior
22 to Mr. Nourain that was used in addition to all of the
23 licenses that they had and all of the applications that we
24 had in the file. And I think if you look through the
25 inventory, you see that we've got a call sign at the top and

1 then all of the various paths that had either been licensed
2 or applied for or were being modified that were associated
3 with each call sign. The inventory was organized by call
4 sign or license.

5 Q Did you do this work by yourself or did you have
6 other people either in the firm or elsewhere assisting you?

7 A I think at the firm I did most of the work myself.
8 It's possible that my secretary Kim did some of the work,
9 typing work. Probably I did it all myself. And as I was
10 putting it together, I would consult with Mr. Nourain and I
11 think someone over at Comsearch and they would give me
12 feedback and we would modify it and complete it.

13 Q What kinds of questions did you ask Mr. Nourain?

14 A I think I just asked him to review it and give me
15 comments, review it for accuracy.

16 Q Well, now when you say review it for accuracy, do
17 you mean to make sure that your list of the license paths
18 matched up with some list or file that he had? Is that what
19 you mean?

20 A I don't know that he kept a list or file, but
21 certainly he was the client and he had presumably better
22 resources than I did to determine whether or not the
23 inventory was accurate.

24 Q Did you ask him to tell you whether or not a
25 particular path was in use or not in use?

1 A I don't know that I asked him that. It appears
2 that I got information over time that certain paths were in
3 use and others were not in use.

4 Q And you got that information from Mr. Nourain?

5 A That's correct.

6 Q Okay. I'd like you to turn to Tab 7, please,
7 which has been marked for identification as TW/CV
8 Exhibit 58. I think you said in answer to one of my earlier
9 questions that you had sent something to Mr. Nourain for
10 review. Is this an example of what you were talking about
11 in your answer?

12 (Document above referred to
13 was marked for identification
14 as TW/CV Exhibit 58.)

15 A Yes.

16 Q I just want to look at some of the pages of this
17 exhibit specifically. The first page here, this cover
18 sheet, says to Behrooz from Jennifer, date 3/16/93. Is that
19 in your handwriting?

20 A Yes.

21 Q Okay. And the handwritten part in the comment
22 section, that's yours also?

23 A It is.

24 Q Can you just read the handwritten part for us in
25 the comments area?

1 A Sure. It says enclosed are drafts of the
2 inventories for Liberty's ten licenses. Please review and
3 call me if anything needs changing.

4 Q Okay. Do you remember whether or not Mr. Nourain
5 did in fact call you in response to this fax?

6 A I don't recall specifically.

7 Q Okay. Let's -- I'd like you look again at the
8 bill for the March time period, this TW/CV 60. That's
9 Tab 9. And look at the entries there and see if any of
10 them refresh your recollection as to whether or not
11 Mr. Nourain called you in response to this fax that we've
12 just been discussing.

13 A The 3/16 entry states that Behrooz and I discussed
14 dormant and active Liberty paths, paths to delete, paths to
15 keep and work on the license inventory. That appears to be
16 some kind of commentary from Behrooz about the inventory.
17 And then on 3/30, it appears I had another phone call with
18 Behrooz and Mike Roth from Comsearch and we discussed the
19 diagrams. Those could be the functional system diagrams
20 that were included with the inventory. Or they could have
21 been associated with applications. It's unclear.

22 Q Okay. I want to go back if you will to Tab 7.
23 That's the fax that you started to discuss.

24 A Okay.

25 Q Are the various pages that are behind the cover

1 sheet, do they appear to you to be all part of the fax that
2 you sent Mr. Nourain on the 16th of March 1993?

3 A Yes.

4 MR. BECKNER: Okay. Your Honor, at this time I'd
5 like to move TW/CV 58 into evidence.

6 JUDGE SIPPEL: Any objection?

7 MR. SPITZER: None, Your Honor.

8 JUDGE SIPPEL: TW/CV 58 is received in evidence at
9 this time.

10 (Document previously marked
11 for identification as TW/CV
12 Exhibit 58 was received in
13 evidence.)

14 BY MR. BECKNER:

15 Q Ms. Richter, I'd like you to take a look at the
16 first page of the letter addressed to Michael Roth at
17 Comsearch that was part of this fax. Was Mr. Roth the
18 person that you mentioned earlier that you sometimes worked
19 with at Comsearch to assist you in putting together this
20 inventory?

21 A Yes.

22 Q Okay. The second paragraph of the letter, there's
23 a sentence that says Behrooz informs me that despite the
24 change in transmitter coordinates for WMTM 385 and WMTM 386,
25 additional frequency coordinations are not necessary for the

1 remaining paths and so on. Does this reflect the discussion
2 that you had with Mr. Nourain?

3 A Yes.

4 Q This paragraph?

5 A It appears to.

6 Q Okay. In that discussion, did Mr. Nourain appear
7 to know what paths he was in fact using?

8 A I'm sorry, could you repeat the question?

9 Q In the discussion that you had with Mr. Nourain
10 which is in part described by this paragraph in the letter,
11 did Mr. Nourain appear to you to know what microwave paths
12 he was actually using?

13 A I think what it says is that Behrooz is telling me
14 paths that he is not using and that I need to delete the
15 paths that they're not using.

16 Q Okay. That's fine. What I intended to ask you is
17 whether or not based on this discussion you had with
18 Mr. Nourain, did he appear to you to know which paths he was
19 using and which paths he was not using?

20 A Yes.

21 Q Okay. Now, turning to the series of lists that
22 follow the letter to Mr. Roth, as of the time that you
23 prepared this, were these all the license paths that you
24 could identify based on the information that you had?

25 A Were these all the license paths that I knew of

1 based upon the information that I had?

2 Q That's the question.

3 A Yes.

4 Q Okay. And so was one of the reasons that you sent
5 the list to Mr. Nourain to see if he had any other license
6 paths that didn't appear on your list?

7 A Right.

8 Q Now, the list itself if you can tell us was this
9 list developed by you working off of the material in your
10 office, that is the old inventory from Mr. Stern and your
11 license file? Or was it developed jointly with Mr. Nourain?

12 A No, I developed it myself.

13 Q Okay.

14 A And he then reviewed it.

15 Q So what happened was you developed this list and
16 you sent it to Mr. Nourain and you wanted him to tell you
17 whether or not there was anything that was missing.

18 A Right.

19 Q Okay. Now, this list here that we're looking at
20 did not include any paths for which an application had been
21 filed but not yet granted, is that correct?

22 A Would you repeat the question?

23 Q The list that was sent to Mr. Nourain in this fax,
24 does it include only paths that are licensed as opposed to
25 paths that are subject of a pending application?

1 A No.

2 Q Can you tell us which paths on the list are
3 subject to an application?

4 A Any application, any path that has to the right
5 margin of the paper a six digit code in parentheses next to
6 it indicates that that is a path that is either a new path
7 or an existing path that is being modified.

8 Q Well, how do we know then from your list which
9 paths are actually licensed as opposed to subject to an
10 application? Can you point one of them out to us?

11 A Yes, on the first page at the top, call sign
12 WMTM210. The location is 1 Lincoln Plaza. If you go to
13 path information for path number one, 10 West 66. If you go
14 to the right margin, there is a six digit code. It's
15 790530. That indicates that that is a path that is being
16 either added or modified in this instance. It appears to be
17 a modification of an existing path. And so that is subject
18 to a pending application.

19 Q I don't know that I made my question clear. Can
20 you tell us one of these paths on this page or any other
21 page which in fact is already licensed as opposed to that's
22 subject of an application that's pending?

23 A The same page, path number six, 30 Lincoln Plaza.
24 There is no file number over to the margin. So that means
25 that that path as it is currently licensed is correct and

1 authorized.

2 Q So as we turn through this document here,
3 everywhere where we see a six digit number in parentheses,
4 that's a path that's not licensed?

5 A That's actually not entirely correct. Let me make
6 another clarification. Let me see if I can find an easy
7 one. Go to WMTM 385 Normandy Court. It's the Pepper &
8 Corazzini fax page number eight. Do you see at the
9 coordinates that are listed there I have a file number in
10 parens, 790545? That means that the coordinates were
11 corrected in this application.

12 If you go to 179 East 70th Street, that indicates
13 to me that that is a path that in fact is already licensed,
14 but the coordinates for some reason were in error and needed
15 to be corrected. And so the coordinates on that path were
16 corrected through the application associated with that file
17 number.

18 So in other words, if there's a file number out to
19 the right margin, it either means that it's a new path or
20 it's a path that is being modified in some way.

21 JUDGE SIPPEL: Well, you've got, I'm sorry to
22 interrupt here, but I want to be sure I'm following this
23 also. You've got out to the -- on the first line of your
24 eighth page of the fax, you've got a six digit number and it
25 says in parens authorized. And then you've got another six

1 digit number and that says modified. And yet, when you come
2 down below to these other, well, to the other six digit
3 number by 179 East 70th Street, there is no such
4 designation. What's the methodology there?

5 THE WITNESS: I'm not sure if I caught the last
6 part of your question.

7 JUDGE SIPPEL: I'm trying to figure out what your
8 methodology is here. You've got it specifically identified
9 up on top as to whether or not it's authorized or modified.

10 THE WITNESS: Right.

11 JUDGE SIPPEL: And down below you're using them,
12 and also in the previous numbers, six numbers that you
13 testified to, there is no paren authorized or modified or
14 whatever next to it.

15 THE WITNESS: If you go to the top where it says
16 file number and the first file number, 779604 and that says
17 authorized.

18 JUDGE SIPPEL: Yes.

19 THE WITNESS: That was the file number under which
20 this facility, WMTM 385 was first authorized. The 790545
21 number which says modified is a later modification of that
22 original authorization.

23 JUDGE SIPPEL: Now, who gave those, are those FCC
24 numbers?

25 THE WITNESS: They are. No, they're FCC file

1 numbers.

2 JUDGE SIPPEL: And then using this again for
3 illustration purposes, again on WMTM385 is the call sign,
4 down below you've got path information. All of that path
5 information relates to that designated file number, that is
6 the license and then later the modification, is that
7 correct?

8 THE WITNESS: Right. You know, I mean, this was a
9 number of years ago. So it's really difficult to remember
10 everything about these inventories.

11 JUDGE SIPPEL: All right. Well, I've had my
12 question answered.

13 THE WITNESS: Okay.

14 JUDGE SIPPEL: I wanted just a clarification for
15 my purposes. You go ahead, Mr. Beckner.

16 MR. BECKNER: All right, Your Honor. Thank you.

17 BY MR. BECKNER:

18 Q Going back to the letter, the first paragraph says
19 bold face type is used to delineate those aspects of the
20 authorizations that have been modifying. The FCC file
21 number of the applicable modification is noted in the right
22 hand margin. Can we tell at all from looking at the
23 inventory itself whether any of these are in bold face? Pr
24 is it just a problem of the copying didn't reproduce it?

25 A Yeah, I can't tell from the current copy that I'm

1 looking at what's in bold face and what isn't.

2 Q Let's just go to the first page of the inventory,
3 WMTM386. There are a total of seven paths listed under this
4 license on this page. Can you tell us from this document
5 whether or not as of the time the document was prepared any
6 of these six paths were in fact authorized by the FCC?

7 A It appears to me that path number one, actually,
8 it appears to me that all of these paths at one time or
9 another had been authorized. Path number one had been
10 authorized, but was subject to a modification to correct the
11 coordinates. Path number two had been authorized, but the
12 writing of the inventory was not being used and the
13 instruction was to delete that path. The same instruction
14 for three, four and five and seven and path number six which
15 had previously existed was being deleted under file number
16 786212.

17 Q Did Mr. Nourain received this document, then would
18 it be okay for him to operate the path between Normandy
19 Court, for example, and 1 Lincoln Plaza?

20 MR. SPITZER: Your Honor, I'm going to object. I
21 just don't know what the word okay means. He's asking a
22 legal

23 MR. BECKNER: Would he be legally permitted to
24 operate --

25 JUDGE SIPPEL: I'll sustain the objection. Go

1 ahead.

2 MR. BECKNER: Withdraw the question.

3 BY MR. BECKNER:

4 Q Would Mr. Nourain in your view be legally
5 permitted to operate a path between Normandy Court and
6 1 Lincoln Plaza as of the date of this document?

7 A Yes.

8 Q Okay. Do you know whether or not he understood
9 that as of the date of this document?

10 A I think Behrooz understood what was in the
11 inventories.

12 Q Okay. Can you identify for us in this inventory
13 any path listed here for which in your view Mr. Nourain
14 would not be authorized as of the date of this document to
15 operate?

16 A Well, as originally licensed or as modified?
17 There is a distinction.

18 Q Well, the paths are described with coordinates and
19 azimuth. So with the coordinates and azimuth listed here on
20 the inventory, would Mr. Nourain be authorized or would he
21 be permitted under the FCC's rules to operate paths to these
22 particular coordinates, this particular path?

23 A I don't think I can answer your question. If it
24 was a previously authorized path that already existed on the
25 license, he could operate it as it was licensed. And if we

1 were seeking to modify it in some way, which is different
2 than a correction. If this was just a correction of
3 coordinates because there was an incorrect site survey, I
4 can't really speak to that. But he couldn't operate it as
5 modified until the modification was granted, but he could
6 operate it as authorized from the point of authorization
7 forward.

8 Q Well, with respect to the list here, the
9 coordinates, let's just turn to the page WMTM210, for
10 example. Do you have that page? It's page five of the fax?

11 A Yes, I have it.

12 Q Okay. Number three, Park Meridian. Okay. Is
13 that an authorized path to the coordinates listed in the
14 azimuth listed here on this page?

15 A Yes, it appears to be.

16 Q Okay. Is it also the subject of a modification
17 that's pending?

18 A It is. There is a modification file number 789095
19 that sought to correct or change the ground elevation.

20 Q So was your practice in making this list to
21 identify for these paths the coordinates and azimuth for
22 which the path had actually been licensed as opposed to what
23 might be the subject of a pending modification.

24 A I'm going to need you to repeat the question.

25 Q Okay. What I'm trying to understand is if Behrooz

1 Nourain has this inventory and he's trying to determine,
2 let's just say hypothetically he's trying to determine
3 whether or not he's authorized to run a microwave path
4 between two points. And let's just say hypothetically those
5 two points are 1 Lincoln Plaza and 30 Lincoln Plaza. If
6 he's using the coordinates identified here in path number
7 six, 40-46-15 and so on, is he then told by this document
8 that that path to those coordinates at that azimuth is
9 licensed.

10 MR. SPITZER: I'm going to object. I'm not sure
11 that the question makes sense in the context of what Behrooz
12 has told her or not told her. If Mr. Beckner wants to ask
13 the witness what she meant when she wrote this, I think
14 maybe that's an appropriate question.

15 JUDGE SIPPEL: Well, I'll sustain the objection
16 you're going to have to lay a little bit of a foundation for
17 what this witness knows that Mr. Nourain knew or understood.
18 But she certainly can, at least in the first instance, she
19 can testify as to what her knowledge of this document is in
20 terms of what it represents.

21 MR. BECKNER: Certainly.

22 JUDGE SIPPEL: Sustain the objection.

23 BY MR. BECKNER:

24 Q Ms. Richter, was it your intention to identify,
25 and I'm just picking a path here, path number six, 30

1 Lincoln Plaza with the coordinates and the azimuth
2 identified as a license path?

3 A Yes.

4 Q Okay. Same question for path number seven, with
5 the coordinates and azimuth identified.

6 A I would have to compare it against the application
7 to know that. It's difficult for me to tell from this
8 whether this was a modification of an existing path or if in
9 fact file number 790530 was a modification application to
10 add this path to the license WMTM210.

11 Q So path number seven, what you're telling us is
12 that path number seven could be simply a path that is the
13 subject of a pending application.

14 A It certainly is a path that is subject to a
15 pending application. The question is whether the
16 application is an application to add that path or modify
17 that path. But there's certainly a pending application.

18 Q Okay. And if it's an application to modify the
19 path, then there is already some other licensed path to that
20 address, is that correct?

21 A Right. There's a call sign at the top of the page
22 that indicates this transmitter at 1 Lincoln Plaza is
23 licensed and now we're in the process of correcting and
24 adding paths.

25 Q Did you discuss these various aspects of this

1 document with Mr. Nourain? That is the fact that some of
2 them referred to paths that were licensed but were subject
3 to being modified and other entries here that could refer to
4 new paths that are subject to the pending application?

5 A I don't recall any conversation specifically, but
6 I guess that's my answer. I don't recall any conversations
7 specifically.

8 Q Well, did you discuss with Mr. Nourain, either in
9 the course of doing this inventory or before then instances
10 where a path needed to be modified because the coordinates
11 were wrong or the height of the antenna was wrong or those
12 kinds of things?

13 A Yes.

14 Q Okay. And in those instances where you discussed
15 that subject with Mr. Nourain, did you convey to him the
16 fact that he had to use the path as it was licensed until
17 the modification was approved by the FCC?

18 A I don't recall a specific conversation about that.
19 I think the letters when I send them, the public notice
20 stating that an application had been accepted for filing
21 stated that the subject of the pending application couldn't
22 be operated until there was an authorization in hand.

23 Q Well, I think you told us earlier that a
24 particular path that was authorized with certain defined
25 parameters of azimuth, coordinates and so on, in some cases

1 you had to file modifications to change those parameters,
2 correct?

3 A Correct.

4 Q Okay. And you said until those modifications had
5 been approved, you couldn't operate the path under the new
6 parameters, is that correct?

7 A Correct.

8 Q Okay. All I want to know is did Mr. Nourain
9 understand this distinction as far as -- based on your
10 conversations with him?

11 JUDGE SIPPEL: I will sustain the objection. You
12 have to ask her if she has any knowledge of what he
13 understood.

14 BY MR. BECKNER:

15 Q Did you discuss with Mr. Nourain the fact that a
16 modified path could not be used as modified until the
17 modification was approved.

18 MR. SPITZER: Your Honor, I think that question
19 has been asked already.

20 JUDGE SIPPEL: Yes, sustained. If I can be of --
21 I'm interested in this question too, Mr. Beckner. But I
22 think that she has to be asked does she have knowledge as to
23 what Mr. Nourain's understanding was with respect to this in
24 the context that you're asking.

25 MR. BECKNER: I can ask that question.